

## United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,763	11/21/2003	Kenneth W. Stearns	1450	
759	90 06/14/2005		EXAM	INER
Mark A. Krull			AMERSON, LORI BAKER	
P. O. Box 7198				
Bend, OR 977	08	•	ART UNIT	PAPER NUMBER
		•	3764	
			DATE MAILED: 06/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exemelate of time may be available under the providence of 3 CFR 1.136(s). In no event, however, may a reply be timely filled  If the period for reply specified above is less than lithing (30) days, a reply whilin the statisticity minimum of thing (30) days, will be considered timely.  If the period for reply specified above is less than lithing (30) days, a reply whilin the statisticity minimum of thing (30) days, will be considered timely.  If the period for reply specified above is less than lithing (30) days, a reply whilin the statistic period will gain the replication to become 48-ARDONED (50) days will be considered timely.  Falson to reply whilin the sort or underded provided for reply will, by statistic period days and vite gars (50) MONTHS from the realiting date of this communication.  Falson to reply whilin the sort or underded provided for reply will, by statistic period for reply will, by statistic period for reply will, by statistic period for reply specified above the replication is condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-8 and 10 is/are pending in the application.  4) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-8 and 10 is/are eyelected.  7) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The oath or declaration is objected to the the daying(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a		Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is best than littly (30) days, a reply white the shadowy rendering of the property of the period for reply specified above is best than littly (30) days, a reply white the shadowy rendering of the property white the shadowy rendering and the 10 to 10	Office Action Summany	10/718,763	STEARNS, KENNETH W.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercision of torm may be available under the proteiden of 3 CFR 1.13(a). In so event, however, may a raphy be limitly filled sheet SIX (b) NoVINTS from the mailing date of this communication.  **Exercision of traphy is specified show, the maximum statutory nested val largely within the statisticy maintain of the proteid of the communication.  **Failure to reply whithin the set or extended period for reply will, by adaptive, cause the application to become ARANCNED (35 U.S.C. § 113).  **Failure to reply whithin the set or extended period for reply will, by adaptive, cause the application to become ARANCNED (35 U.S.C. § 113).  **Status**  1) ■ Responsive to communication(s) filled on 31 March 2005.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims**  4) □ Claim(s) 1.8 and 10 is/are pending in the application.  4a) ○ Ithe above claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to by the Examiner.  10) □ The drawing(s) filled on is/are vibration and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filled on is/are is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) □ The other of declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  11) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) or (f).  11) □ Acknowle	Office Action Summary	Examiner	Art Unit				
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1) Responsive to communication(s) filed on 31 March 2005.  2a	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	i6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	ely filed swill be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).				
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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

a. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis. Davis discloses steps comprising providing a frame (22), mounting seat (14T) on the frame; pivotally mounting an upper and lower body support (12,70) and sitting on the seat and exercising the abdominals. As to claims 2-4, the lower support has a forward end and foot engaging portions wher a user places their feet. As to claim 5, the users own body weight is a resistance device. As to claim 4, the seat is rigidly connected (fig. 4). As to claim 6, a resistance device is disposed beneath the seat (fig. 1). As to claim 7, the pivot axis is beneath the seat. As to claim 8, the upper body support is transverse to

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the seat. As to claim 10, a resistance is between the frame and the lower end of the upper body support.

## Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 8-5 p.m. Interviews Tue. and Thur. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L. Amerson